



EMPLOYMENT TRIBUNALS

Claimant

Mr Ben Plaistow

Respondent

Secretary of State for Justice

v

Heard at: Cambridge

On: 10 May 2023

Before: Employment Judge M Ord

Members: Ms M Prettyman and Mr B Smith

Appearances

For the Claimants: Ms S Berry, Counsel

For the Respondent: Mr A Tolley, KC

JUDGMENT on RECONSIDERATION

It is the unanimous decision of the Employment Tribunal that:

1. The Respondent's Application for reconsideration of the Judgment on Remedy (Remitted Issues) dated 12 December 2022 and sent to the parties on 5 January 2023 succeeds.

2. The words,

“Subject to increases for inflation which are to be determined at a subsequent Hearing if not agreed”

in paragraph 3 of the Judgment are to be deleted.

REASONS

1. This matter came before the Tribunal on the Application of the Respondent for reconsideration of the Judgment on Remedy following a Hearing on 1 and 2 November 2022, dealing with issues remitted from the Employment Appeal Tribunal.

2. The issue at hand was the addition of the words, “subject to increases for inflation which are to be determined at a subsequent Hearing if not agreed” in relation to the appropriate rate of pay for future loss calculations, in paragraph 3 of the Judgment following that Hearing dated 12 December 2022 and issued on 5 January 2023.
3. The Claimant adopted a neutral stance on the Respondent’s Application.
4. It is accepted that, following the principles laid down in Mallett v McMonagle [1970] AC166, no account should be taken of the calculation of future loss of any potential increases in pay for future years so that the salary figures current at the time of the calculation or agreement of damages for future loss, should be applied without modification.

Employment Judge M Ord

Date: 12 June 2023

Sent to the parties on: 16 June 2023

For the Tribunal Office.